CONSTITUTION
THE CHIGNIK BAY TRIBAL COUNCIL

Preamble

We, the Alaska Natives of Chignik Bay, Alaska, having a common bond to this land, ancestry, culture, and community identity, in order to implement our inherent right to self-government, as an Alaska Native people and to further our common political, social, and economic progress, do ordain and establish this Constitution. Further, we recognized that the entitlement to services to preserve the Alaska Natives' cultural values; to protect our sovereign and inherent rights as the descendants of the aboriginal Alaska Natives cultural values and to promote social, health, education and welfare programs.

Article I. Territory and Jurisdiction.

Section 1. Territory.

The territory of the Chignik Bay Tribal Council shall extend over all lands traditionally used for subsistence, over the Village, to all such Indian Country of the Village as may exist under tribal or federal law, including but not limited to Native allotments.

Section 2. Jurisdiction.

The jurisdiction of the Chignik Bay Tribal Council shall extend to all matters within the power and authority of the Tribe including controversies arising out of the Constitution of the Chignik Bay Tribal Council laws, statutes, ordinances, resolutions and codes enacted by the Tribal Council; and such other matters arising under the enactments of the Council or the customs and traditions of the Tribe. This jurisdiction extends over the Tribe and its territory, persons who enter its territory, its members, and persons who interact with the Tribe or its members wherever found.

Article II. Membership.

Section 1. Base Membership.

The shareholders list of the ANCSA Far West, Corporation shall be the base roll of the Chignik Bay Tribal Council.

Section 2. New Members.

a. Children. All children born to members of the Village and all children biologically of Alaska Native descent who are adopted by members of the Village shall be admitted to membership upon application.

b. New Residents. Any new resident of Alaska Native descent may be admitted to membership upon application through approval of the Tribal Council.

c. Adopted Members. Any person of Alaska Native ancestry may, that is not otherwise eligible for membership, but with significant ties to the Village, may be admitted to membership at the discretion of the Tribal Council.

Section 3. Blood Quantum.

All persons admitted to membership must be of at least one-sixteenth (1/16) Alaska Native blood.

Section 4. Dual Membership Prohibited.

No person may be a member of the Chignik Bay Tribal Council who is also an enrolled member of another federally recognized Alaska Native Village or Tribe.

Section 5. Loss of Membership.

Membership may be voluntarily relinquished by written notice from a member to the Council. The Council may revoke membership involuntarily for just cause upon due process of Tribal law.

Section 6. Regulation of Membership.

The Tribal Council shall establish an enrollment committee to develop the base roll and process applications through ordinance, including application and appeal procedures. The Tribal Council shall regulate all individual membership.

Article III. Tribal Council.

Section 1. Name.

The name of the governing body is the Chignik Bay Tribal Council, hereinafter referred to as the Tribal Council.

Section 2. Composition.

The Tribal Council shall consist of five members who shall be elected by the eligible voters. Council shall take office immediately following the election.

Section 3. Qualifications.

A person establishes residency in the village by being physically present in the village with the intent to remain in the village indefinitely, and make a home in the village. A person demonstrates the intent required under Section A of this section. By maintaining a principal place of abode in the village for at least 30 days, and by providing other proof of intent as may be required by village law or regulation, which may include that the person is not claiming residency outside the village. A person who establishes residency in the village remains a resident during an absence from the state, unless during the absence the person establishes or claims residency in another village, territory, or country, or performs other acts, or is absent under circumstances that are inconsistent with the intent required under Section A to remain as a resident of this village.

Section 4. Officers.

The Council shall include a President, Vice President, Secretary/Treasurer, and two members. Officers shall be selected by the Council from its members immediately following the annual election.

Section 5. Terms of Office.

Council members shall serve for a term of three years, with staggered terms. The President, Vice President, and Secretary terms of office will be for one year, and will be re-elected annually as soon as possible after the elections at and Organizational Meeting by the elected council members.

Section 6. Vacancies.

Any vacant office shall be filled by appointment by the remaining Council members at their next meeting. The replacement shall serve until the next annual meeting.

Section 7. Quorum.

A quorum of the Council shall consist of three members. No business shall be transacted unless a quorum is present.

Section 8. Conflict of Interest.

No Chief shall vote on any matter pertaining specifically to them or to an immediate family member or any matter in which they or an immediate family member has a significant financial interest. Nothing bars a member from voting on a matter in which the benefit to them is common to that of Tribal members at large, or bars a member of his family from employment by the Tribe. The member must always uphold the Tribal Council's roles and services and must declare a conflict if it benefits another organization. The Council members must always keep the interests of the Tribal Council a priority and vote on issues and represent the government to its highest level. Immediate family members are defined as follows: father, mother, brother, sister, wife, husband, son, daughter, or anyone in the member's household.

Article IV. Elections.

Section 1. Voter Qualifications.

Any tribal Village resident of the Chignik Bay Tribal who has reached the age of eighteen years or older. A person establishes residency in the village by being physically present in the village with the intent to remain in the village indefinitely, and make a home in the village. A person demonstrates the intent required under Section A of this section. By maintaining a principal place of abode in the village for at least 30 days, and by providing other proof of intent as may be required by village law or regulation, which may include proof that the person is not claiming residency outside the village. A person who establishes residency in the village remains a resident during an absence from the state, unless during the absence the person establishes or claims residency in another village, territory, or country, of performs other acts, or is absent under circumstances that are inconsistent with the intent required under Section A to remain a resident of this village

Section 2. Elections.

The regular election of officials and of questions regarding voter approval shall be held annually. Special elections may be called at other times by the Council, with or without a meeting of the membership, provided that no election shall be called during the fishing season or at times when substantial numbers of Village residents are outside the Village. Absentee ballots shall be accepted from eligible voters.

Section 3. Notice.

The Council shall publicize all Tribal elections by customary Tribal methods.

Section 4. Secret Balloting.

All elections of officials and votes held on issues before the voters shall be by secret ballot.

Section 5. Election Committee.

Prior to any Tribal election, the Council shall appoint responsible persons to supervise, administer and conduct the election. The Council may by ordinance establish a permanent election committee and procedures for conducting Village elections and maintaining voter rolls.

Article V. Removal from Office.

Section 1. Misconduct or Neglect.

Any Chief or officer found guilty by the Council of behavior involving misconduct in office or neglect of duty may be removed from office by a vote of at least three Members of the Council. Any Council member with three unexcused absences from regular Council meetings within a year shall be guilty of neglect of their office. Voting must be by secret ballot. Before any vote for removal is taken, the accused must be given a reasonable opportunity to answer the charges against them.

Section 2. Recall.

Eligible voters shall have the power to remove any member of the Council by recall. The process shall be initiated by giving a petition asking for such removal to the Council. The petition must be signed by at least 20 % of the eligible voters and must set forth the reasons for the petition. The Council must hold a community election to consider the recall within thirty days of receipt of the petition.

Section 3. Forfeiture.

Any Council Member who moves from the Village shall automatically forfeit their office. Any Council Member who is convicted of a felony by state, federal, or tribal court shall automatically forfeits their office. Any Council Member who ceases to be a member of the Tribe shall

automatically forfeits their office. Any Council member who sits on the City Council shall forfeit their office.

Article VI. Powers.

Section 1. Assertion of Power.

The Chignik Bay Tribal Council shall have all rights and powers of a sovereign self-governing people. The Tribal Council shall execute these powers in accordance with established customs of the Tribe and subject to the express limitations contained in this Constitution or other applicable laws. These powers include but are not limited to the following:

(a) To represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this Constitution;

(b) To negotiate and enter into contracts with the federal, state, local and tribal governments, and with individuals, associations, corporations, enterprises or organizations;

(c) To purchase or accept any land or property for the Tribe;

(d) To enact laws regulating the use, disposition and inheritance of all property within the territory of the Tribe;

(e) To prevent or veto the sale, disposition, lease or encumbrance of tribal lands, interests in land, tribal funds or other tribal assets;

(f) To employ legal counsel for the benefit of the common good;

(g) To enact laws regulating the domestic relations of persons within the jurisdiction of the Tribe;

(h) To enact a law and order code governing the conduct of persons within the jurisdiction of the Tribe in accordance with applicable laws;

(i) To appropriate and regulate the use of tribal funds in accordance with an annual budget approved by the Tribal Council;

(j) To regulate all business activities within the jurisdiction of the Tribe, and to manage all tribal economic affairs and enterprises;

(k) To regulate all matters and to take all actions necessary to preserve and safeguard the health, safety, welfare and political integrity of the Tribe;

(l) To appoint subordinate committees, commissions, boards, tribal officers and employees, and to set their compensation, tenure and duties;

(m)To enact laws, ordinances and resolutions necessary or incidental to the exercise of its legislative powers;

(n) To take any and all actions necessary and proper for the exercise of the foregoing powers and duties, including those powers and duties not enumerated above, and for all other powers and duties now or hereafter delegated to the Tribal Council, or vested in the Tribe by federal law or through its inherent sovereignty.

Section 2. Sovereign Immunity.

The Chignik Bay Tribal Council shall be immune from suit except to the extent that the Tribal Council expressly waives the Tribe's sovereign immunity. All waivers of sovereign immunity shall be limited in scope.

Section 3. Savings Clause.

Any rights and powers vested in the Chignik Bay Tribal Council, but not expressly referred to in this Constitution, shall not be lost by reason of their omission, but may be exercised by the Council.

Section 4. Power to Tax Reserved.

No taxes or assessments may be levied without a vote of the voters of the Chignik Bay Tribal Council.

Article VII. Participation in Tribal Government.

Section 1. Initiative and Referendum.

The eligible voters of the Chignik Bay Tribal Council shall have the right to propose legislation or other Tribal action. Upon receipt of a petition signed by at least 20 % of all eligible voters, the Council shall call a meeting to be conducted within thirty days of the receipt of the petition. The election shall be by secret ballot. The Council shall put any issues of taxation or assessment to the eligible voters. The Council may put any other issue to a vote of the eligible voters.

Section 2. Voter Decision Binding.

The decision of the majority of the voters shall be binding on the Council and the Tribe until amended or rescinded by voters or expires by its own terms.

Article VIII. Rights of Members.

Section 1. The Indian Civil Rights Act.

In exercising its power of self-determination and government, the tribe shall comply with the provisions set forth in the Indian Civil Rights Act, 25 U.S.C. 1301 et seq. and not infringe the individual liberties guaranteed therein.

The Indian Civil Rights Act states:

a. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

b. Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

c. Subject any person for the same offense to be twice put in jeopardy;

d. Compel any person in any criminal case to be a witness against himself;

e. Take any private property for a public use without just compensation;

f. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

g. Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one

offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both;

h. Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

i. Pass any bill of attainder or expost factor law; or

j. Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Section 2. Rights to Inspect Records.

Tribal Members of the Chignik Bay Tribal Council have the right to review records of the Tribal government, excluding tribal confidential record and employee files, at any reasonable time in accordance with procedures established by the Council.

Article IX. Duties of Officers.

Section 1. President.

The President shall preside at all meetings of the Tribe and of the Council and shall execute on behalf of the Tribe all contracts, leases, or other formal documents approved by the Council. They shall vote in matters before the Council. They shall have the general supervision of all other officials, employees, and committees of the Tribe and see that their duties are properly performed. When the Council is not in session, they shall be the official representative of the Chignik Bay Tribal Council.

Section 2. Vice President.

The Vice President shall assist the President when called upon to do so and preside with all the rights, duties, privileges, and responsibilities of the President in their absence.

Section 3. Secretary/Treasurer.

The Secretary/Treasurer shall certify the minutes of all meetings and shall make sure that all minutes, ordinances, notices, resolutions, check disbursements, and all other financial matters of the government are kept in permanent form. The Duty will be carried out expressly for the Council.

Section 4. Members.

The additional members will hold a voting position at all Council meetings.

Section 5. Consent of Council.

No action shall be taken by any Council Member speaking on behalf of the Council without the consent of the other Council Members.

Article X. Meetings.

Section 1. Regular and Special Meetings.

Regular meetings of the Council shall be held monthly, the time and place to be designated by the Council. Special meetings of the Council may be called by the President and/or shall be called by them at the request of at least two members.

Section 2. Open Meetings.

All meetings of the Council shall be open to the general membership, provided that the Council may recess at its discretion to discuss any matter in a closed or executive session.

Section 3. Decisions.

Final decisions of the Council on matters of permanent interest, such as the passage of Tribal laws and regulations, shall be by ordinance. Final decisions of the Council on matters of temporary interest may be by resolution.

Section 4. Parliamentary Procedure.

All meetings shall be conducted in accordance with rules adopted by the Council.

Section 5. Tribal Membership Meetings.

Regular meetings of the tribal membership of the Chignik Bay Tribal Council shall be held annually, the date, time and place to be established by the Council. Special meetings of the tribal membership shall be called by the President and/or shall be called by their designee or by a majority vote of the Council and/or upon receipt of a petition 20% of all eligible voters.

Section 6. Notice.

All meetings of the tribal membership must be publicized by the Council. No tribal membership meetings may be called during fishing season or any other time a significant number of eligible voters will be absent from the Village.

Section 7. Quorum of the Membership.

A quorum of the tribal membership shall consist of 30 % of the eligible tribal Village resident voters, and no business shall be conducted unless a quorum is present. There shall be no minimum quorum for regularly schedules annual meetings.

Article XI. Tribal Courts.

The Chignik Bay Tribal Council shall serve as the Tribal Court until it delegates its judicial by ordinance.

Article XII. Severability.

If any provision of this Constitution should be declared invalid, that section shall be severed and the remaining provisions shall continue in effect.

Article XIII. Savings Clauses.

Section 1. Existing Law Remains in Effect.

To the extent consistent with the Constitution, all previous ordinances and resolutions adopted by the traditional Council of Chignik Bay are all customary Tribal law and shall remain in effect following the adoption of this Constitution.

Section 2. Revisions.

In the event of future Constitutional revisions, all previous ordinances and resolutions adopted by the traditional Council of Chignik Bay and all customary Tribal law shall remain in effect following the adoption of this Constitution.

Article XIV. Amendments.

We, the undersigned members of the Chignik Bay Tribal Council certify that this constitution was submitted to the qualified voters of Chignik Bay Tribal Council on Sept. 6, 2002, and was ratified/rejected by vote of 9 for, 1 against; and that at least 20 percent of those entitled to vote cast their ballots.

Dated This 6 Day of Sept, 2002 at Chignik Bay, Alaska

Attest By Administrator

President of Council

Vice President

Secretary

Member

Member

CHIGNIK BAY TRIBAL COUNCIL
MEMBERSHIP MEETING
September 6, 2002

Membership sign in:

Minnie Olson	yes.
Marlene Stepanoff	yes
Jeanette Carlson	yes
Roderick E. Carlson	yes
Walter T. Stepanoff Jr	yes
[illegible]	yes
Debbie Daughy	yes
[illegible]	no
[illegible]	yes
[illegible]	yes